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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/913,020	05/06/2002	Elaine Sophie Elizabeth Stokes	P 282705	5058
9629	7590 09/07/2004		EXAMINER	
MORGAN LEWIS & BOCKIUS LLP			RAYMOND, RICHARD L	
	YLVANIA AVENUE NW ON, DC 20004		ART UNIT	PAPER NUMBER
			1624	
			DATE MAILED: 09/07/2004	4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    California   Califo		Application No.	Applicant(s)
Richard L. Raymond   1624		09/913,020	STOKES ET AL.
- The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  1 The MAILING DATE OF THIS COMMUNICATION.  2 This period for reply specified above is least than thinky (30) days, a reply within the statulory minimum of thinky (30) days will be considered terrely.  3 This period for reply specified above, the nation statulory period will apply and will deep in 30 (6) MONTHS form the mental above, the nation statulory period will apply and will deep in 30 (6) MONTHS form the mental above, the nation statulory period will apply and vill deep in 30 (6) MONTHS form the mental above, the nation statulory period will apply and vill deep in 30 (6) MONTHS form the mental above, the nation statulory period will apply and vill deep in 30 (6) MONTHS form the mental above, the nation statulory and statulory and application, even if thinky floor, may reduce any search application.  4 No Responsive to communication(s) filled on 14 July 2004.  2a) This action is FINAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 39-41.43-49.51.61 and 63 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) 39-41.43-49.51 and 61 is/are rejected.  7) Claim(s) 39-41.43-49.51 and 61 is/are rejected.  8) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b drawing(s) be held in abeyance. See 27 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is	Office Action Summary	Examiner	Art Unit
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### **DETAILED ACTION**

## Change of Examiner

1. Note the change of examiner in the present application. The Art Unit number (1624) remains the same.

## Response to Amendment

- 2. The Response of July 14, 2004 canceled claims 42 and 62 and added new claim 63. Accordingly, the claims now pending are claims 39-41, 43-49, 51, 61 and 63.
- 3. In view of the amendments and arguments presented in the Response, all the rejections of record have been overcome.
- 4. Upon review of the record and an additional search in the literature (STN/CAS) the following new ground of rejection is, however, seen necessary.

## Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 6. Claims 39-41, 43-45, 49 and 51 are rejected under 35 U.S.C. 102(b) as being anticipated by either of the newly cited Sinyak et al. and Karminski et al. Chemical Abstracts references. See the STN/CAS printouts for the present compounds where Z<sub>b</sub>

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9.

is S, and ring C is a quinolinyl ring, and Z<sub>b</sub> is O or S and ring C is a quinazolinyl ring. Note also that R<sup>2</sup> in the present compounds can be H when it is -X<sup>1</sup>R<sup>5</sup> where X<sup>1</sup> is a bond and R<sup>5</sup> is H).

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## Claim Rejections - 35 USC § 103

7. Claims 39-41, 43-49, 51 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over the above cited Chemical Abstracts references. Where not anticipated, one would be motivated to prepare the present compounds from within the generic teachings of the references and/or to prepare the present homologs and isomers of the specific compounds of the references with the reasonable expectation of obtaining additional compounds for the uses in the references. In the absence of a showing of unexpected properties, no patentable significance is seen in the present selection.

## Allowable Subject Matter

8. Claim 63, drawn to method of use, is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, or upon allowance of a claim generic thereto.

### Conclusion

This action is not made final.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard L. Raymond whose telephone number is (571) 272-0673. The examiner can normally be reached on maxi-flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mukund Shah can be reached on (571) 272-0674. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Richard L. Raymond

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rr September 3, 2004